

JUN 26 2008

FILED

OA 91 Criminal Complaint

United States District Court

NORTHERN

DISTRICT OF

JUN 25 2008

RICHARD W. WIEKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA

V.

EF. JAVIER
RAMIREZ-RUIZ
(a/k/a Javier Ramirez)
(a/k/a Javier Ruiz Ramirez)

CRIMINAL COMPLAINT

Case Number: 4 - 08 - 70388

ORIGINAL

WDB

(Name and Address of Defendant)

I, the undersigned complainant being duly sworn state that the following is true and correct to the best of my knowledge and belief. On or about June 23, 2008 in San Francisco County, in the Northern District of California defendant(s) did,

(Track Statutory Language of Offense)

after being excluded, deported, and removed from the United States, was found in the United States and was an alien when he was so found.

in violation of Title 8 United States Code, Section(s) 1326(a)

PENALTIES: 2 years imprisonment; \$250,000 fine; 1 year supervised release; \$100 special assessment.

I further state that I am a(n) Special Agent and that this complaint is based on the following facts:
SEE ATTACHED AFFIDAVIT IN SUPPORT OF CRIMINAL COMPLAINT

Continued on the attached sheet and made a part hereof:

☒ Yes ☐ No

Approved

As To W. DOUGLAS SPRAGUE *W. Douglas Sprague / cyw*
Form: AUSA

[Signature]
Name/Signature of Complainant

Sworn to before me and subscribed in my presence,

26 June 08
Date

at San Francisco, California
City and State

BERNARD ZIMMERMAN

U.S. Magistrate Judge

Name & Title of Judicial Officer

[Signature]
Signature of Judicial Officer

AFFIDAVIT IN SUPPORT OF CRIMINAL COMPLAINT

I, Rocio Franco, Special Agent, United States Immigration and Customs Enforcement (ICE), being duly sworn, depose and state:

I. INTRODUCTION AND PURPOSE OF AFFIDAVIT

1. This affidavit is submitted in support of a criminal complaint against JAVIER RAMIREZ-RUIZ (a/k/a JAVIER RAMIREZ, a/k/a JAVIER RUIZ RAMIREZ) for violating Title 8, United States Code, Section 1326(a). The facts set forth in this Affidavit are based on my review of RAMIREZ's official Immigration Service file (No. A78 465 838), my personal observations, my training and experience, and information related to me by other law enforcement officials. However, the facts set forth in this Affidavit are not all facts related to RAMIREZ that I know.

II. AGENT'S BACKGROUND AND EXPERTISE

2. I have been a Special Agent with the U. S. Department of Homeland Security (DHS), U.S. Immigration and Customs Enforcement (ICE) for approximately 4 and one-half years. I am currently assigned to ICE's San Francisco, California, office, and I am responsible for enforcing federal criminal statutes involving criminal aliens who illegally reenter the United States.

III. APPLICABLE LAW

3. Title 8, United States Code, Section 1326, provides criminal penalties for "any alien who . . . has been denied admission, excluded, deported, or removed or has departed the United States while an order of exclusion, deportation, or removal is outstanding, and thereafter enters, attempts to enter, or is at any time found in, the United States, unless (A) prior to his reembarkation at a place outside the United States or his application for admission from foreign contiguous territory, the Attorney General has expressly consented to such alien's reapplying for admission; or (B) with respect to an alien previously denied admission and removed, unless such alien shall establish that he was not required to obtain such advance consent under this chapter or any prior Act"

IV. FACTS ESTABLISHING PROBABLE CAUSE

4. JAVIER RAMIREZ-RUIZ (a/k/a JAVIER RAMIREZ, a/k/a JAVIER RUIZ RAMIREZ) is a 37 year-old male who is a citizen of Mexico. RAMIREZ was deported from the United States to Mexico on or about July 24, 2001. RAMIREZ last entered the United States illegally on an unknown date between July 24, 2001, and February 27, 2008. I know this because RAMIREZ was arrested at or near Richmond, California, by the San Pablo Police Department on

February 27, 2008.


5. The official Immigration Service file for RAMIREZ contains one executed Warrant of Removal/Deportation. The Warrant of Removal/Deportation is dated July 24, 2001.

6. On June 23, 2008, RAMIREZ had his fingerprints taken while in ICE custody at the ICE Detention Facility located in San Francisco, California. On June 24, 2008, the FBI compared the fingerprints from RAMIREZ's July 24, 2001, Warrant of Removal/Deportation to the fingerprints taken upon RAMIREZ's arrival in ICE custody on June 23, 2008. The FBI reported that the fingerprints matched, and that they also matched FBI number 396254VA8, which is an FBI file number in the name of Javier RAMIREZ.

7. There is no indication in ICE's official files that RAMIREZ has applied for or been granted the requisite permission to reenter the United States from either the Attorney General of the United States or the Secretary of Homeland Security.

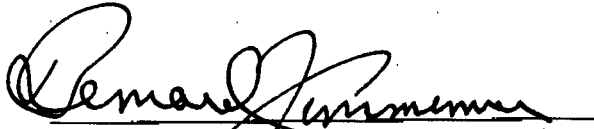
V. CONCLUSION

8. On the basis of the above information, I submit that probable cause exists to believe that JAVIER RAMIREZ-RUIZ (a/k/a JAVIER RAMIREZ, a/k/a JAVIER RUIZ RAMIREZ) illegally reentered, remained in, and was found in the United States following deportation, in violation of Title 8, United States Code, Section 1326(a).



Rocio Franco
Special Agent
U.S. Immigration and Customs Enforcement
U.S. Department of Homeland Security
San Francisco, California

Subscribed and sworn to before me this 25th day of June, 2008.



The Honorable Bernard Zimmerman
United States Magistrate Judge
Northern District of California
San Francisco, California